

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)	
individually and on behalf of NORFOLK)	
& PORTSMOUTH BELT LINE)	
RAILROAD COMPANY,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 2:18-cv-530-MSD-LRL
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, <i>et al.</i>,)	
)	
<i>Defendants.</i>)	

NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

This serves as notice, pursuant to Local Rule 5(C), that Defendant Norfolk Southern Railway Company (“NSR”) has moved the Court to seal portions of its unredacted Reply in Support of its Motion to Compel Plaintiff CSX Transportation, Inc. (“CSXT”) to produce documents it has improperly withheld as wholly or partially privileged, together with the exhibits to such Reply, because they contain and/or reference information that CSXT has indicated is “Confidential” or “Confidential – Attorneys Eyes Only” under the Stipulated Protective Order entered in this matter. ECF No. 79. As documents withheld or redacted based on attorney-client privilege, these documents are presumptively “CONFIDENTIAL” or “CONFIDENTIAL—ATTORNEYS EYES ONLY” and contain highly confidential and sensitive information relating to CSXT’s transportation and shipping practices, and other highly confidential, proprietary, and sensitive business information, release of which would harm CSXT.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days, designating all or part of such memoranda as confidential. Any

information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Date: June 2, 2020

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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